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File No.: 2828/0G245

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Joseph ABBOUD; Courtney DONNELL \

Serial No.:

09/441,834

Examiner:

Filed:

11/17/99

Group Art Unit:

For:

APPARATUS FOR PROVIDING AN ELECTRONIC DISPLAY WITH

SELECTABLE VIEWING ORIENTATIONS

December 28, 2000

LETTER & TRANSMITTAL OF DOCUMENTS RELATING TO REQUEST TO WITHDRAW HOLDING OF NOTICE OF ABANDONMENT

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

Sir:

Enclosed herewith are:

- 1. Request To Withdraw Holding Of Notice Of Abandonment;
- 2. Declaration of Gabriella V. Karaszi; and
- 3. Executed Inventor's Declaration and Power of Attorney

Applicants further hereby claim **Small Entity Status** and the PTO is hereby authorized to charge all filing fees associated with this application and necessary to keep this application pending to **Darby & Darby Deposit Account No.** 04-0100.

Respectfully submitted,

Ya-Chiao Chang

Reg. No. 43,407

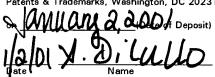
Attorney For Applicant(s)

DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022 (212) 527-7700 Enclosures



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In Re Application of:

Joseph ABBOUD; Courtney DONNELL

Serial No.:

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For:

P.C.

APPARATUS FOR PROVIDING AN ELECTRONIC DISPLAY WITH

SELECTABLE VIEWING ORIENTATIONS

DECLARATION OF GABRIELLA V. KARASZI

DECEMBER OF GADINELLA V. KANACE

Gabriella V. Karaszi declares and says:

- I am the Manager of the Docketing Department at Darby & Darby,
- 2. I make this declaration in support of the accompanying <u>REQUEST</u>

 <u>TO WITHDRAW HOLDING OF NOTICE OF ABANDONMENT</u>, which seeks the withdrawal of the NOTICE OF ABANDONMENT issued on December 18, 2000, in the above-referenced application.

- 3. When an Office Action is received from the U.S. Patent and .

 Trademark Office, the following procedures are followed:
- a. The Records Department stamps the received date on the back of the Office Action, pulls the file and forwards it to Docketing;
- b. The period for response is determined (e.g., a response is due 3 months from the USPTO Mail Date). Any additional extensions of time that are available is determined (e.g., an additional extension of time of up to 3 additional months for a total of 6 months response time from the USPTO Mail Date is available);
- c. The response due date is entered in PATTSY (our computer maintained calendaring system), on the pertinent file cover and in the manual incoming docketing book (IDB).
- d. The Office Action is stamped with the "Due Date" stamp. The "Due Date" stamp is filled in with the 3 month date "spelled out" (e.g., September 27, 1998).
- e. The code for Action due is entered in PATTSY (i.e. RE = response due). The USPTO Mail Date is entered in PATTSY under the "Base Date". PATTSY automatically dockets the due dates up to the 6 month date;
- f. The responsible attorney's initials are noted in the upper right hand corner of the Office Action.
- g. The Office Action is checked to insure that a Claim for Priority has been acknowledged. If so, the date of the Office Action is entered in the lower right hand corner of the file under "PTO Ack."

- h. The 6 month date is entered in the IDB as "SIX MONTHS" on the non-extendable six-month due date (e.g., December 27, 1998). Additionally, the responsible attorney's initials, the client's name, our reference number, and the Serial Number are also entered in the IDB in both entries.
- i. The file cover is marked with the USPTO Mail Date, and the 3 month due date (spelled out, e.g., September 27, 1998). Next to this date, in parentheses, the 6 month due date is marked numerically (e.g., 12/27/98).
- j. If the Office Action has attachments (i.e., references), the file is sent to Services for copying, and then forwarded to the responsible attorney. Otherwise, the file is forwarded directly to the responsible attorney.
- 4. Based upon my review of the IDB (attached hereto as Exhibit A, which are true copies of Darby & Darby's manual logbook dating from July 21, 2000 (i.e., the due date) to August 21, 2000, our computerized docketing system (PATTSY) (Exhibit B), and our file for Serial No. 09/441,834, the Office Action dated December 21, 1999, for the Serial No. 09/441,834 was never received by Darby & Darby.
- 5. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false

statements may jeopardize the validity of the application or document or any registration resulting therefrom.

ABRIELLA V. KARASZI

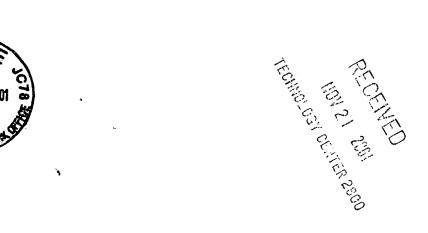
✓ Docketing Manager

Enclosures

DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022 212-527-7700



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File No.: 2828/0G245

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Joseph ABBOUD; Courtney DONNELL

Serial No.: 09/441,834

Examiner:

Filed:

11/17/99

Group Art Unit:

For:

APPARATUS FOR PROVIDING AN ELECTRONIC DISPLAY WITH

SELECTABLE VIEWING ORIENTATIONS

December 27, 2000

REQUEST TO WITHDRAW HOLDING OF NOTICE OF ABANDONMENT

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

Sir:

Applicants in the above-referenced patent application have received a NOTICE OF ABANDONMENT, dated December 18, 2000 (copy enclosed), advising that the application is abandoned due to applicants' failure to respond to the Notice to File Missing Parts mailed on December 21, 1999.

A review of our file for the above application and of the Darby & Darby docketing system, both the computerized and backup manual records, indicate that the Notice to File Missing Part of December 18, 2000, was not received in these offices. Copies of both the computerized docketing record for the above-referenced application and the manual docketing records covering the period July 21, 2000, to August 21, 2000, are enclosed.¹ Also enclosed is a Declaration, signed by our Docketing Manager, Ms. Gabriella Karaszi, in which the procedure followed by our Docketing Department in the handling of Patent Office mail is presented.

It is respectfully requested that the Notice of Abandonment, dated December 18, 2000, be withdrawn, and that the Notice to File Missing Parts, with the period for response restarted, again be mailed to the address indicated below.

Respectfully submitted,

Ya-Chiao Chang Reg. No. 43,407

Attorney For Applicant(s)

DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022 (212) 527-7700 Enclosures

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¹Upon the receipt of an Official Action in our offices, the data regarding the application is entered on the date a response is due, which in the above case for a Notice of Missing Parts with a seven-month response date would be July 21, 2000. We have enclosed copies of the manual docketing records to show that no entry was made on July 21, 2000, nor on the following dates through August 21, 2000.

Page 1 of 1

JAN 0 8 2001

APPLICATION NUMBER

09/441,834

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
www.uspto.gov
CANT ATTY, DOCKET NO,/TITLE

MBER FILING DATE FIRST NAMED APPLICANT ATTY. DOCKET NO/TITLE

11/17/1999 JOSEPH ABBOUD 2828/0G245

Petition Abandonment/Termination

ABANDONMENT/TERMINATION

LETTER

IUE

10000 Joseph Abandonment/Termination

Date Mailed: 12/18/2000

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/21/1999.

No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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